## A RESOLUTION

## BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$3,000.00 IN SETTLEMENT OF THE CLAIM OF CLELLIE G. MCCRARY AGAINST THE CITY OF ATLANTA

WHEREAS, CLELLIE G. MCCRARY has filed a claim against the City of Atlanta seeking damages arising out several occurrences of sewer back ups to her property located at 3470 Heritage Valley Road; and

WHEREAS, property owned by CLELLIE G. MCCRARY has been damaged due to several occurrences of sewer back ups which occurred on August 11, 1995, September 25, 1997 and December 25, 1998; and

WHEREAS, the City of Atlanta was on notice of said nuisance and yet the City failed to abate said nuisance; and

WHEREAS, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$3,000.00 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of CLELLIE G. MCCRARY be settled for the sum of \$3,000.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$23,817.00 be paid by the City of Atlanta in satisfaction of any and all claims CLELLIE G. MCCRARY owner of property located at 3470 Heritage Valley Road may have stemming from damages sustained to her property on August 11, 1995, September 27, 1997 and December 25, 1998.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

Mitchelle OVOH99

MUNICIPAL CLER	CITY OF ATLANTA	\$ (e) [\{ \bar{1} \bar	RE: CLAIM FO	R DAMAGES	9
City Hall 55 Trinity Avenue, S	w		T	oday's Date: 12-29-98	,
Atlanta, Georgia 303		JAN - 4		oddy's Date.	
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Dear Municipal Cle			ENTERED - 2- 99L0059 - DI		i 11.1
\$	odily injury for which	contena the City	is nable.	f \$_3,000, 00 proper	
1. Date of incident:	12-25-98 (month/day/year).	2. Time o	f Incident: 3:00a, n	3. Police called:Yes	No
4. Location of incide	ent (including street add	lress): 3470	Heritage Vall	ey Rd. Atlanta, Ga	30331
5. Name of your inst	urance company:\$\frac{5}{1}	ate Farm	Ins Po	licy No. 11-E1-8432-	0
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to my reside	ence. The city	has met	sawfit to re	place any carpet o	r. damage
to my pro	perty caused	by them. 11	his injustice to	me is unfair	
AS a Senio	r Citizen. I	do not the	nk that I ha	ue to be subjected ess.	1 10 165
7. ALL ESTIMATE	S AND DAMAGES AR	RE SUBJECT TO	INSPECTION.' THE M.	AKING OF FALSE CLAIMS V	WILL
RESULT IN YOU	JR CLAIM BEING DE	NIED AND MAI	RESULT IN CRIMINA	L PROSECUTION:	12. <sup>3</sup> 1.
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COUNCIL OF THE MUNICIPAL CLER City Hall	CITY OF ATLANT				
		<b>A</b>	RE: CLAIM FOR	DAMAGES	
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55 Trinity Avenue, S		, ```		day's Date://///////////////////	
Atlanta, Georgia 303	335	OCT		0 - 11/13/097 - tew	
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Dear Municipal Clei	rk:	*	SK MILLO	- ANTHONI G. CAIIS	
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This is to notify the	City of Atlanta that	I have suffered dam	ages in the amount sum of	\$ 000. = property and /o	r
\$ 500.00 t	odily iņjury for whi	chi i contena die Cit	, is liable.		
	9/20-lar	7 Whis	n We AWY 30 AM	,/	/
1. Date of incident:	11-23/9/		f Incident: 8.30	3. Police called:	
	' (month/day/yea	ır).		Yes No	
4. Location of incide	ent (including street	address) : <u>3470</u>	Heritage Vall	27 KLS.W. Atlanta, GA.	<u>3033/</u>
5. Name of your inst	urance company: 🗾	state for	Pol	icy No. <u>0127-11358-27</u>	
6. State what and he	ow incident occurred	1: 12) hen_	we Awaker	The down Sai	<u>r5</u>
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To Whom it May Concern on September 25, 1997 When we Hwesten Fround 8:30 A:M The dozenstairs Was Flooded. I in Turn Called The Sewage department They came out around 11:30 around Assout and proceeded To Take Pictures and Told me They would be back to clean up, the mess. They came out to Clean this up around 7:00 pm. We had to put up with this All day it ruined my sons clothes And Closet doors There was No reason for the city To Take All day for up to put up with the codby + Filth of raw Sewege, when I pay large Amount of Taxes, In 1995 This Some Thing, Happened The City of I Nothing I have letter to prove This. I had to Take ist that Corpet After their Cleaning and it has to be replaced. I could Not Take the occur Also it Heets printing and deadrizing. It heers immediate. Aftention 19 I lost some Linen